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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on *February 11, 2004*.
2a)☐ This action is **FINAL**.           2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1 - 18* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1 - 18* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *Februrary 11, 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All  b)☐ Some * c)☐ None of:
        1.☒ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *2/11/2004*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1.      Claims 1 – 18 have been examined and are pending.


*Drawings*

2.      The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because

they do not include the following reference sign(s) mentioned in the description:

- Fig. 3 does not include a reference number for the streaming server 2 as

  described in paragraph [0043]

- Fig. 3 does not include a reference number for the similar message database

  23 as described in paragraph [0043]

- Fig. 4 does not include a reference number for the user terminal 4 as described

  in paragraph [0045]

- Fig. 5 does not include a reference number for the streaming server 2 as

  described in paragraph [0050]

- Fig. 5 does not include a reference number for the window 41 as described in

  paragraph [0050]

- Fig. 6 does not include a reference number for the streaming server 2 as

  described in paragraph [0054]

- Fig. 10 does not include a reference number for the text entry area 42 as

  described in paragraph [0067]

- Fig. 10 does not include a reference number for the window 41 as described in

  paragraph [0067]

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to

the Office action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior version

of the sheet, even if only one figure is being amended. Each drawing sheet submitted

after the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held

in abeyance.

### *Claim Objections*

3.      Claim 6 is objected to because of the following informalities:

-       The usage of the phrase, "the streaming server does not superimposes the

        text data." This was probably meant to read, "the streaming server does

        not superimpose the text data".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.      Claims 5 – 7 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The usage of the word 'similar' in each of

these claims is vague and indefinite.

### *Claim Rejections - 35 USC § 101*

6.      35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 17 refers to a program causing a

computer to execute and programs alone are non-statutory subject matter.

### *Claim Rejections - 35 USC § 102*

7.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.      Claims 1 – 3 and 14 – 18 are rejected under 35 U.S.C. 102(e) as being anticipated

by U.S. Patent Pub. No. 2003/0101450 A1 to Davidsson et al. (hereinafter "Davidsson").

As to Claim 1, Davidsson teaches **a streaming delivery method** (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program) **comprising:**

**collecting text data relating to a moving image content** (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being streamed by a streaming server** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system) **, the text data being written from a user terminal** (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit);

**superimposing the collected text data on the moving image content being streamed by the streaming server** (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program on the display together with text communications received from other television viewers); **and**

**delivering the moving image content on which the text data is superimposed to the user terminal by the streaming server** (Paragraph [0028] of Davidsson discloses that the chat communications is multiplexed into the broadcast stream and received together with the broadcast video signal).

As to **Claim 2,** Davidsson teaches **a streaming delivery method according to claim 1, wherein the text data are written from the user terminal into a text entry area associated with the moving image content being streamed** (Paragraph [0025] and Figure 3 of Davidsson discloses that television chat functionality is provided to the user by activating an application program. Where it is explained that the television program is shown in a television display area and the chat communications is shown in a chat display area thus proving the chat being associated with the moving image).

As to **Claim 3,** Davidsson teaches **a streaming delivery method according to claim 2, wherein the text entry area is a Web bulletin board or a chat area associated with the moving image content being streamed** Paragraph [0025] and Figure 3 of Davidsson discloses that television chat functionality is provided to the user by activating an application program. Where it is explained that the television program is shown in a television display area and the chat communications is shown in a chat display area thus proving the chat being associated with the moving image. This chat functionality is read to be a chat area).

As to **Claim 14,** Davidsson teaches **a streaming delivery method according to claim 1, wherein the streaming server displays a text entry area associated with the moving image content being streamed in a window in**

**which the moving image content is displayed** (Paragraph [0025] and Figure 3 of Davidsson discloses displaying a television program on the display together with chat communications).

As to Claim 15, Davidsson teaches **a streaming delivery system comprising:**

**a user terminal** (Paragraph [0020] of Davidsson discloses a multimedia apparatus which is part of a client system);

**a Web server having a text entry area in which text data relating to a moving image content** (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being streamed** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system) **is written from the user terminal** (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit); **and**

**a streaming server collecting the text data, superimposing the collected text data on the moving image content being streamed** (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program on the display together with text communications received from other television viewers), **and delivering the moving image content on**

**which the text data is superimposed to the user terminal** (Paragraph [0028] of

Davidsson discloses that the chat communications is multiplexed into the

broadcast stream and received together with the broadcast video signal).

As to Claim 16, Davidsson teaches **a streaming server comprising:**

**means for collecting text data relating to a moving image content** (Paragraph

[0010] of Davidsson discloses receiving text communications from at least one

other television viewer) **being streamed** (Paragraph [0010] of Davidsson

discloses receiving a broadcast video signal which is inherently a streaming

system), **the text data being written from a user terminal** (Paragraph [0025] of

Davidsson discloses that the user is able to send own text comments to the chat

service provider via the input output unit);

**means for superimposing the collected text data on the moving image content**

**being streamed** (Paragraph [0025] of Davidsson discloses receiving a broadcast

video signal and displaying the television program on the display together with

text communications received from other television viewers); **and**

**means for delivering the moving image content on which the text data is**

**superimposed to the user terminal** (Paragraph [0028] of Davidsson discloses

that the chat communications is multiplexed into the broadcast stream and

received together with the broadcast video signal).

As to Claim 17, Davidsson teaches **a streaming delivery program for streaming a moving image content, wherein the program causes a computer to execute** (Paragraph [0012] of Davidsson discloses a computer program product):

**collecting text data relating to a moving image content** (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being streamed** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system)**, the text data being written from a user terminal** (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit);

**superimposing the collected text data on the moving image content being streamed** (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program on the display together with text communications received from other television viewers)**; and**

**delivering the moving image content on which the text data is superimposed to the user terminal** (Paragraph [0028] of Davidsson discloses that the chat communications is multiplexed into the broadcast stream and received together with the broadcast video signal).

As to Claim 18, Davidsson teaches **a computer-readable program recording medium recording a streaming delivery program for streaming a moving image content, wherein the program causes a computer to execute** (Paragraph [0012] of Davidsson discloses a computer program product):

**collecting text data relating to a moving image content** (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being streamed** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system), **the text data being written from a user terminal** (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit);

**superimposing the collected text data on the moving image content being streamed** (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program on the display together with text communications received from other television viewers); **and**

**delivering the moving image content on which the text data is superimposed to the user terminal** (Paragraph [0028] of Davidsson discloses that the chat communications is multiplexed into the broadcast stream and received together with the broadcast video signal).

### Claim Rejections - 35 USC § 103

9.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.     The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.      Determining the scope and contents of the prior art.
2.      Ascertaining the differences between the prior art and the claims at issue.
3.      Resolving the level of ordinary skill in the pertinent art.
4.      Considering objective evidence present in the application indicating
         obviousness or nonobviousness.

11.     Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davidsson

and further in view of U.S. Pat. No. 5966685 to Flanagan et al. (hereinafter "Flanagan").

**As to Claim 4,** Davidsson teaches **a streaming delivery method**

**according to claim 1.** Davidsson does not teach but Flanagan teaches **wherein**

**the streaming server periodically collects text data written from the user**

**terminal** (Column 2 lines 30 – 50 of Flanagan discloses that messages posted to a

discussion group will be periodically collected.  Messages posted to the

discussion group is read to be the same as text data written from the user

terminal).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the periodic collection of data as taught by

Flanagan, with the delivery method as taught by Davdisson.

One of ordinary skill in the art at the time the invention was made would have

been motivated to combine in order to (Column 11 lines 10 – 30 of Flanagan)

facilitate timely communications among online subscribers.


12.      Claims 5 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Davidsson and further in view of U.S. Pat No. 6701346 B1 to Klein. (hereinafter

"Klein").


         **As to Claim 5,** Davidsson teaches **a streaming delivery method**

**according to claim 1.** Davidsson does not teach but Klein teaches **wherein, in a**

**case that a plurality of the text data is collected and the collected text data**

**include text data similar to one another, the streaming server superimposes**

**only one of the plurality of the text data on the moving image content being**

**streamed** (Column 2 lines 15 – 35 of Klein discloses a system for managing

messages so that redundant messages need not be reviewed by a user.  It

determines whether the received electronic messages are related (read to be

similar), then after the redundant messages are identified they can be deleted (read

to be superimposing one since it deletes all but one).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the deletion of redundant messages as taught by

Klein, with the delivery method as taught by Davdisson.

One of ordinary skill in the art at the time the invention was made would have

been motivated to combine in order to (Column 6 Lines 35 – 40 of Klein) use less

storage space to store the messages and reduce the user time needed to review the

messages.


**As to Claim 6,** Davidsson as modified teaches **a streaming delivery**

**method according to claim 5, wherein, in a case that a plurality of the text**

**data is collected and the collected text data include text data similar to text**

**data provided beforehand, the streaming server does not superimposes the**

**text data similar to the provided text data on the moving image content being**

**streamed** (Column 2 lines 15 – 35 of Klein discloses a system for managing

messages so that redundant messages need not be reviewed by a user. It

determines whether the received electronic messages are related (read to be

similar), then after the redundant messages are identified they can be deleted (read

to be superimposing one since it deletes all but one).


Examiner recites the same rationale to combine used in claim 5.


**As to Claim 7,** Davidsson as modified teaches **a streaming delivery**

**method according to claim 5, wherein, in a case that the collected text data**

**include text data similar to candidate of text data intended to be superimposed on the moving image content being streamed, the streaming server does not superimpose the text data similar to the candidate of text data intended on the moving image content being streamed** (Column 2 lines 15 – 35 of Klein discloses a system for managing messages so that redundant messages need not be reviewed by a user. It determines whether the received electronic messages are related (read to be similar), then after the redundant messages are identified they can be deleted (read to be superimposing one since it deletes all but one).

Examiner recites the same rationale to combine used in claim 5.

13.     Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidsson and further in view of U.S. Pat. No. 5929927 to Rumreich et al. (hereinafter "Rumreich").

        **As to Claim 8,** Davidsson teaches **a streaming delivery method according to claim 1.** Davidsson does not teach but Rumreich teaches **wherein the streaming server sets display time per the collected text data on a basis of the number of the collected text data and the number of text data which can be displayed on a screen at a time** (Column 3 lines 15 – 60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. The

pause is modulated to increase or decrease its duration depending upon the buffer

fullness).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine modulating the display time as taught by

Rumreich, with the delivery method as taught by Davdisson.

One of ordinary skill in the art at the time the invention was made would have

been motivated to combine in order to (Column 3 lines 15 – 30 of Rumreich)

improve the comprehensibility of the displayed text information.

**As to Claim 9,** Davidsson as modified teaches **a streaming delivery**

**method according to claim 8, wherein, in a case that the number of collected**

**text data is greater than the number of text data which can be displayed on**

**the screen at a time, the streaming server sets the display time to a shorter**

**value as the number of the collected text data increases** (Column 3 lines 15 –

60 of Rumreich discloses that when two full rows of text fill the caption window

the scroll function pauses and thereafter scrolls a new line of text into the

window. The pause is modulated to increase or decrease its duration depending

upon the buffer fullness. When the buffer is very full no pause is generated, this

implies that the display time is shortened as the number of collected data

increases. Column 5 lines 1 – 10 of Rumreich further disclose that as the amount

of text available for display increases, the duration of the pause decreases).

Examiner recites the same rationale to combine used in claim 8.

14.    Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidsson and further in view of U.S. Pub. No. 2004/0218472 A1 to Narayanaswami et al. (hereinafter "Narayanaswami").

As to Claim 10, Davidsson teaches **a streaming delivery method according to claim 1.** Davidsson does not teach but Narayanaswami teaches **wherein the streaming server sets the display position or color of at least one of the collected text data on the screen according to the meaning of the text data** (Paragraph [0028] and Figure 5 of Narayanaswami discloses a stock ticker whose display shows a stock whose price has increased in normal display mode, a stock whose price is falling shown in reverse video, and a stock whose price remains the same in a third color. In Figure 5 it's further shown normal display mode means white, while reverse display is black and the third color is gray. This is seen to be setting the color of the text data according to the meaning of the text data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine changing the color of the text according to its meaning as taught by Narayanaswami, with the delivery method as taught by Davdisson.

One of ordinary skill in the art at the time the invention was made would have

been motivated to combine in order to (Paragraph [0028] of Narayanaswami)

improve the users ability to quickly gain information from the text.  In

Narayanaswami's invention it is to make it such that a user could quickly

determine the status of the stock simply be glancing at the color.

**As to Claim 11,** Davidsson as modified teaches **a streaming delivery**

**method according to claim 10, wherein the display position or color on the**

**screen is predetermined for each of the text data** (Paragraph [0028] and Figure

5 of Narayanaswami discloses a stock ticker whose display shows a stock whose

price has increased in normal display mode, a stock whose price is falling shown

in reverse video, and a stock whose price remains the same in a third color.  In

Figure 5 it's further shown normal display mode means white, while reverse

display is black·and the third color is gray.  This is seen to be as having

predetermined color for particular text data meanings).

Examiner recites the same rationale to combine used in claim 10.

15.     Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Davidsson and further in view of U.S Pub. No. 2002/0103917 A1 to Kay et al.

(hereinafter "Kay").

As to Claim 12, Davidsson teaches **a streaming delivery method according to claim 1.** Davidsson does not teach but Kay teaches **wherein the streaming server superimposes a new text data along with at least one of the collected text data at the same time according to the meaning of one of the collected text data, the meaning of the new text data being different from one of the collected text data** (Abstract of Kay discloses a system for interactively responding to queries (read as collected text data) from a user sending messages, the query is interpreted and appropriate action (read to be according to the meaning) is taken. The answer is formatted and returned to the user as an instant message (read to be the same as imposing the new text)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the interactively responding to queries as taught by Kay, with the delivery method as taught by Davdisson.
One of ordinary skill in the art at the time the invention was made would have been motivated to combine in order to (Paragraph [0006] of Kay) provide a instant messaging based system which interactively responds to and services requests from remotely located users. The applicant's invention is read to be a chat room and Kay's system was designed to improve instant messaging, which is a form of chat.

As to Claim 13, Davidsson as modified teaches **a streaming delivery method according to claim 12, wherein the new text data is predetermined**

**for each of the text data** (Abstract of Kay discloses that appropriate action is taken for queries such as accessing a local or remote data resource and generating an answer to the user's query. This is read to be having predetermined new text because the answer to the query is held in a data resource ready to be accessed).

Examiner recites the same rationale to combine used in claim 12.

## *Conclusion*

16.    The following prior art made of record but not relied upon is considered pertinent to applicant's disclosure.

U.S. Pub. No. 2001/0012020 A1 – "Integrated Content Guide for Interactive Selectino of Content and Services on Persoanl Computer Systems with Multiple Sources and Multiple Media Presentation"

U.S. Pat. No. 6711291 B1 – "Method for Automatic Text Placement in Digital Images"

U.S. Pat. No. 7036083 B1 – "Multimode Interactive Television Chat"

U.S. Pub. No. 2006/0052118 A1 – "Layout Process for Multimedia Messages"

U.S. Pat. No. 6061716 – "Computer Network Chat Room Based on Channel Broadcast in Real Time"

U.S. Pat. No. 71434328 B1 – "Concurrent Viewing of a Video Programming and of Text Communications Concerning the Video Programming"

U.S. Pub. No. 2004/0205770 A1 – "Duplicate Message Elimination System for a Message Broker"

U.S. Pat. No. 5278980 – "Iterative Technique for Phrase Query Formation and an Information Retrieval System Employing Same"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S. Mai whose telephone number is 571-270-5001. The examiner can normally be reached on Monday through Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KSM

TAGHI ARANI
PRIMARY EXAMINER

10/25/07